

**Synopsis of the one criminal opinions by the Mississippi Supreme Court on April 17, 2008.**

*Miller v. State*, No. 2007-KA-00885-SCT (Miss. April 17, 2008)

**CRIME:** Sale of Cocaine

**DECISION:** Affirmed

**COUNTY:** Winston

**MAJORITY:** Carlson (Graves concurs in result only)

**FACTS:** Selentro Miller was convicted of selling cocaine to a confidential informant and was sentenced to 20 years. Bobby Wayne Goodin, an admitted criminal and former drug addict, was working with MBN as an informant. Goodin had a history involving drugs and embezzlement. On May 23, 2005, Goodin, and Agent Wes Stapp and Agent Barry McWhirter, met for a pre-buy meeting. Goodin's person and vehicle were searched for contraband, and he was wired with audio and video equipment. He was given \$40 for a controlled buy from Chris Miller. Stapp and McWhirter provided surveillance. Goodin went to Chris Miller's mobile home and asked for Chris. He was told that Chris was in bed. The man on the video told Goodin he "was the only one doing anything at the time." Goodin testified the man placed the cocaine on the coffee table. Goodin gave him \$40. Since the man had only \$30 worth of cocaine, he gave Goodin \$10 in change. Goodin left the scene and went to a predetermined location for a post-buy meeting with Stapp and McWhirter. Goodin gave the agents the cocaine and the \$10. He was searched again. Goodin was paid \$100 for his services in the controlled purchase. The defendant was identified by a police officer as the seller on the video. (Selentro Miller was Chris Miller's cousin).

**HELD:** The verdict was not against the overwhelming weight of evidence. Miller claimed the CI's testimony was not reliable as it conflicted with the agent's testimony. The agent testified that it took 6 to 8 minutes to search the informant and his vehicle, and that he did not search the CI's socks or shoes. The CI testified that the agents took 25 to 30 minutes to search him and his vehicle, and that the agents searched his socks and shoes. Inconsistencies in testimony are a matter for the jury. Miller also claimed that someone else present at the scene could have sold the informant the drugs, because the hands of the CI and Miller were not visible in the video. The jury reasonably could conclude that Miller was the seller. The jury was informed of the CI's criminal history.

To read the full opinion, click here:

<http://www.mssc.state.ms.us/Images/Opinions/CO48138.pdf>

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